IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE THIRTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT APPEAL NO : 391 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 16/12/2004 in WP NO : 20511 OF 1995 on the file of the High Court.)

Between:

Smt. Mamaduru Rathnamama, W/o. G. Sreenivasulu,
Konnabattu, Anganwadi Centre, Nellore District.

..... APPELLANT

AND

1 Smt. Gochi Ramanamma, W/o. Masthanaiah,
R/o. Nukalapalem, Sullurupet Mandal,
Nellore District.
2 The District Collector, Nellore.
R-1 in W.P.
3 The Selection Committee for Anganwadi Workers, rep. by its Dist. Convenor

i.e., Programme Officer, I.C.D.S. Nellore. R-2 in W.P.
4 The Project Officer, I.C.D.S. Sullurpet, Nellore District.
R-3 in W.P.
5 A. Rajeswaramma,
R-5 herein is not necessary party in this W.A. R-4 in W.P.

.....RESPONDENTS

Counsel for the Appellant:MR.P.N.JAGANMOHAN RAO

Counsel for the Respondent NO.1: MR.V.SUDHAKAR REDDY

Counsel for the Respondent No.2: GOVERNMENT PLEADER FOR REVENUE

The Court made the following :

JUDGMENT: (per the Hon'ble Sri Justice L.Narasimha Reddy)

A third party to Writ Petition No.20511 of 1995 filed this Writ Appeal seeking leave of this Court. While granting leave on 04.03.2005, this Court admitted the Writ Appeal and granted the order of interim suspension.

The first respondent in the Writ Appeal filed Writ Petition challenging the action of respondents 2 to 4 herein in selecting and appointing the fifth respondent herein as an Anganwadi worker of Nukalapalem Village of Sullurpet Mandal, Nellore District. The Writ Petition was allowed by a learned single Judge of this Court on 16.12.2004 mainly on the ground that it was not contested by the respondents therein.

The writ appellant is employed as an Anganwadi worker in 1987 and at present she is working at Konnembattu. Her grievance is that she is a native of Nukalapalem Village and if at all the vacancy in that village is to be filled up, she is entitled to be transferred to that place. Even assuming that the contention of the appellant is true, that by itself cannot take away the right of the first respondent to be appointed as an Anganwadi worker. While the grievance of the first respondent is in relation to the very appointment, that of the appellant is about the transfer. In the name of choosing a place of her own choice, the appellant cannot be permitted to deny the very livelihood to the first respondent. Further, the fourth respondent herein has passed an order dated 11.03.2005 appointing the first respondent as an Anganwadi worker, in obedience to the order in the writ petition. This was passed obviously because he was not aware of the interim order granted by this court on 04.03.2005. Having regard to the facts referred to above, we are of the view that no prejudice, as such, can be said to have been caused to or suffered by the appellant on account of appointment of the first respondent.

We accordingly dispose of the writ appeal, upholding the order in the Writ Petition, but directing that it shall be open to the appellant to seek transfer to the place of her choice and entitlement, if she so desires, in accordance with law. In view of the assertion made by the appellant in the appeal that she made a representation to the District Collector, Nellore on 20.11.2002, the District Collector is directed to consider and dispose of the same, in accordance with law.

(T.MEENA KUMARI, J)

(L.NARASIMHA REDDY, J)

Dt: 13.04.2005

bsv/lvl

To

1. The District Collector, Nellore.
2. The District Convenor, i.e., Programme Officer, Selection Committee for Anganwadi Workers, I.C.D.S. Nellore.
3. The Project Officer, I.C.D.S. Sullurpet, Nellore District.
4. Two CCs to the Government Pleader for Revenue, High Court Buildings,

Hyderabad (OUT)

5. Two CD copies